

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
3 ANAHITA S. CRAWFORD, State Bar No. 209545  
Deputy Attorney General  
4 1300 I Street, Suite 125  
P.O. Box 944255  
5 Sacramento, CA 94244-2550  
Telephone: (916) 322-8311  
6 Facsimile: (916) 327-8643

7 Attorneys for Complainant

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

11 In the Matter of the First Amended Accusation  
Against:

Case No. 2009-83

12 **SAMUEL ALLEN SENEGAL**  
13 204 Devon Way  
Youngsville, Louisiana 70592

**FIRST AMENDED  
ACCUSATION**

14 Registered Nurse License No. RN 605644

15 Respondent.

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18 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this First Amended Accusation solely in her official  
21 capacity as the Executive Officer of the Board of Registered Nursing ("Board"), Department of  
22 Consumer Affairs.

23 **LICENSE HISTORY**

24 2. On or about April 29, 2002, the Board issued Registered Nurse License  
25 Number RN 605644 ("license") to Samuel Allen Senegal ("Respondent"). The license will  
26 expire on April 30, 2010 if not renewed.

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1 probation, specifically to remain free from alcohol, as set forth in its Consent Order, dated  
2 August 22, 2007. (A copy of the Board's letters to Respondent dated November 17, 2007 and  
3 December 21, 2007 are attached as **Exhibit B**, and are incorporated herein.)


4 c. On or about September 22, 2008 in the case entitled, *In the Matter of:*  
5 *Samuel Allen Senegal*, the Louisiana Board stayed the suspension, reinstated the license, and  
6 placed the license on probation for a period of three years with terms and conditions including  
7 Respondent's continued adherence to the Registered Nurse Program agreement, as set forth in the  
8 Consent Order of September 22, 2008. (A copy of the Board's Consent Order, dated September  
9 22, 2008 is attached as **Exhibit C** and is incorporated herein.)

10 **PRAYER**

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
12 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 13 1. Revoking or suspending Registered Nurse License Number RN 605644  
14 issued to Samuel Allen Senegal;  
15 2. Ordering Samuel Allen Senegal to pay the Board the reasonable costs of  
16 the investigation and enforcement of this case, pursuant to Code section 125.3; and  
17 3. Taking such other and further action as deemed necessary and proper.

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19 DATED: 2/5/09

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22 RUTH ANN TERRY, M.P.H., R.N.  
23 Executive Officer  
24 Board of Registered Nursing  
25 Department of Consumer Affairs  
26 State of California  
27 Complainant  
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## ***EXHIBIT A***

LOUISIANA STATE BOARD OF NURSING  
BATON ROUGE, LOUISIANA

IN THE MATTER OF:  
SAMUEL ALLEN SENEGAL  
204 DEVON WAY  
YOUNGSVILLE, LA 70592

Respondent

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CONSENT ORDER

TERMS AGREED TO BY LICENSEE

I, SAMUEL ALLEN SENEGAL, voluntarily agree to sign and have witnessed the terms of agreements for the purpose of avoiding a formal administrative hearing with the Louisiana State Board of Nursing.

I, SAMUEL ALLEN SENEGAL, say that I freely, knowingly and voluntarily entered into this agreement; that I understand that I have a right to a hearing in this matter and I freely waive such right; and that I understand that I have a right to legal counsel prior to entering into this agreement.

I acknowledge that the Louisiana State Board of Nursing makes the following FINDINGS OF FACT:

1. On August 14, 2001, Respondent was licensed by examination to practice as a registered nurse in Louisiana.
2. On August 13, 2007, in 15<sup>th</sup> Judicial District Court, State of Louisiana, Parish of Lafayette, in the Misdemeanor Division, Respondent pled Nolo Contendere to Domestic Abuse Battery, Aggravated Assault, and Simple Assault (Docket # 114308). Respondent was sentenced to one (1) year probation with stipulations, to include court cost, fine, (5) months in the Parish Jail, suspended except for seven (7) days, to be served in Home Incarceration, classes, and community service.
3. On August 15, 2007, Respondent called Board staff from the HR Department at Dauterive Hospital to report the criminal conviction. Respondent agreed to cooperate with the Board in resolving this matter, and requested to be allowed to continue to work for the hospital. Respondent admitted that he had failed to disclose the arrest on his 2007 Renewal, explaining that his attorney had told him he might get the arrest expunged.
4. On August 21, 2007, Respondent met in conference with Board staff. He submitted a letter from Dauterive Hospital stating that he had worked successfully with the hospital for nearly 2 years, and the hospital intended to re-employ Respondent once the issues with the Board were resolved.

To facilitate submission of this Consent Order, I do not offer any defense to the FINDINGS OF FACT. I agree that the Board has jurisdiction of this matter pursuant to L.R.S. 37:911 et seq. I admit to the findings of fact and agree that there is sufficient evidence upon which to predicate a finding of violation of the provisions of L.R.S. 37:921. I agree that the Board may treat the allegations of fact and law as true; which finding shall have the same force and effect as if evidence and argument were presented in support of the allegations and, based thereon, the Board found the allegations to be true. I specifically waive my right to contest these findings in any subsequent proceedings before the Board. I understand that this Consent Order shall constitute a public record and is disciplinary action by the Board. I understand that this will be reported to Healthcare Integrity and Protection Data Bank (HIPDB) as B1 Nolo Contendere Plea, and E4 Fraud, Deceit or Material Omission in Obtaining License or Credentials. The HIPDB Narrative will be: Respondent was arrested and convicted of an incident involving Domestic Abuse and Respondent did not disclose the criminal incident on his 2007 Renewal Application. Respondent agreed to licensure probation and stipulations for two (2) years.

In order to avoid further administrative proceedings, I hereby consent to accept and abide by the following ORDER of the Board:

8/15

LOUISIANA STATE BOARD OF NURSING  
BATON ROUGE, LOUISIANA

IN THE MATTER OF:  
SAMUEL ALLEN SENEGAL  
204 DEVON WAY  
YOUNGSVILLE, LA 70592

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CONSENT ORDER

Respondent

TERMS AGREED TO BY LICENSEE (CONT'D)

The license of this registrant is suspended, with a stay of the said suspension, and that the license is probated for two (2) years, with the following stipulations:

1. Within three (3) days upon receipt of this Order, send RN license to the Board office so that the license can be marked "probated".
2. Prior to returning to work and within 60 days, submit to a comprehensive psychiatric, and psychological evaluation by a psychiatrist and clinical psychologist approved by the Board; Shall authorize and cause a written report of the said evaluation to be submitted to the Board; Shall include the entire evaluation report including diagnosis, course of treatment, prescribed or recommended treatment, prognosis, and professional opinion as to registrant's capability of practicing nursing with reasonable skill and safety to patients.
3. Immediately submit to all recommendations thereafter of the therapist, physician, or treatment team, and cause to have submitted evidence of continued compliance with all recommendations by the respective professionals. This stipulation shall continue until the registrant is fully discharged by the respective professionals and until approved by the Board staff.
4. If the evaluations give any treatment recommendations or findings to warrant concern for patient safety, shall meet with Board or Board staff. Must demonstrate, to the satisfaction of the Board that he poses no danger to the practice of nursing or to the public and that he can safely and competently perform the duties of a registered nurse. If the Board approves continued licensure, the probation period, conditions or stipulations, may be revised to ensure that patients and the public are protected.
5. Prior to returning to work, inform all nursing employers of these disciplinary measures and of the probationary status of license. Within two weeks, shall cause all employers to submit, in writing to the Board, that they have reviewed this Order.
6. Work in a restrictive environment as a member of a treatment team rather than alone or with a few employees. Not be employed in agency/pool/staffing, home health services, or nursing homes. Additionally, not be employed in any unsupervised setting. Must be directly supervised by an on-site registered nurse.
7. Have all immediate nursing supervisors submit a performance evaluation report quarterly, commencing from the first date of employment.
8. Immediately (within 72 hours) inform the Board in writing of any change in address.
9. If employed in nursing, immediately inform the Board in writing of all places of employment. If employment changes, the Board shall be immediately (within 72 hours) notified in writing.
10. If unemployed or employed in a non-nursing position, inform the Board in writing on a quarterly basis.
11. During the period of probation, Respondent shall engage in the practice of professional nursing in Louisiana for a minimum of twenty four (24) hours per week for a minimum of 18 consecutive months.
12. Within four (4) months, submit written evidence of completion of 20 hours of LSBN staff approved continuing education hours to include the areas of Legal Accountability, Professional Ethics, and Anger Management.
13. Within six (6) months, submit payment of \$200.00 cost to the Board.
14. Within eight (8) months, submit payment of \$500.00 ~~cost~~ <sup>fine</sup> to the Board.

LOUISIANA STATE BOARD OF NURSING  
BATON ROUGE, LOUISIANA

IN THE MATTER OF:  
SAMUEL ALLEN SENEGAL  
204 DEVON WAY  
YOUNGSVILLE, LA 70592  
Respondent

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CONSENT ORDER

TERMS AGREED TO BY LICENSEE (CONT'D)

15. By the first of each month, submit a monthly probation fee of twenty-five dollars (\$25.00) to the Board.
16. Submit certified copies of all criminal charges. Have resolved any and all pending criminal arrests, convictions, probation, and parole including any pre-trial diversion programs prior to request for release from probation.
17. Not have any misconduct, criminal violations or convictions, or violations of any health care regulations reported to the Board related to this or any other incidents.
18. Quarterly reports are due on or before the first day of January, April, July, and October. Monthly reports are due on the first day of each month.
19. Failure to comply with the above orders, receipt of an unfavorable report, or non-receipt of reports on or before the date due shall result in the immediate suspension of this registrant's license. This suspension can be imposed by action of the staff subject to the discretionary review of the Board.

I understand that this agreement is effective immediately upon signature of the Executive Director. It is also understood that this agreement does not preclude the Board of Nursing from requiring a formal hearing of my case. I further understand that should the Consent Agreement not be accepted by the Board, I agree that presentation to and consideration of the Consent Agreement, the documentary evidence and information by the Board shall not unfairly or illegally prejudice the Board or any of its members from participation in hearings or other proceedings pertaining to these or other matters regarding this registrant.

Dated this 21<sup>st</sup> day of August, 2007.

Samuel A. Senegal  
SAMUEL ALLEN SENEGAL

Thomas S. Elliott  
Witness

Daniell M. Smith  
Witness

LOUISIANA STATE BOARD OF NURSING

Barbara L. Morvant 08/29/07  
Barbara L. Morvant, MN, RN Date  
Executive Director

***EXHIBIT B***



**LOUISIANA STATE BOARD OF NURSING**

5207 Essen Lane, Suite 6

Baton Rouge, LA 70809

Telephone: (225) 763-3570 or (225) 763-3577 Fax: (225) 763-3580

<http://www.lsbns.state.la.us>

Certified Mail/Return Receipt Requested

November 16, 2007

Mr. Samuel Allen Senegal  
204 Devon Way  
Youngsville, LA 70592

Dear Mr. Senegal:

Reference is to the Consent Order with the Louisiana State Board of Nursing effective August 22, 2007, which ordered license suspension with stay, and probation for two (2) years, contingent upon stipulations. The Order stipulated, in part, that you:

- Submit to supervised random drug screens through an approved LSBN laboratory.
- Remain free of alcohol and all unprescribed mood altering substances.

A review of your file reveals that you are not in compliance with the aforementioned Order, specifically, on November 1, 2007, you submitted a random drug screen which tested positive for alcohol, with ethyl glucuronide (ETG) 60200 ng/mL. Subsequently, you admitted to Board staff that you had been drinking.

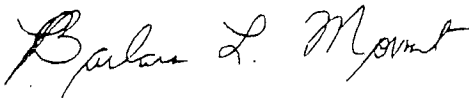
The order further states that failure to comply with the stipulations, or receipt of an unfavorable report shall result in the immediate suspension of your license. **Therefore, your Louisiana RN license is suspended and you are hereby directed to return your 2007 RN license to the Board of Nursing.**

**YOU ARE TO CEASE AND DESIST IMMEDIATELY THE PRACTICE OF NURSING IN LOUISIANA.**

This will be reported to Healthcare Integrity and Protection Data Bank (HIPDB) as A5 Violation or Failure to Comply with Licensing Board Order. HIPDB Narrative: On August 22, 2007, by Consent Order, Registrant's license was suspended with stay, and license probated with stipulations, including refrain from alcohol and drugs, and random monthly drug screens. On November 1, 2007, he submitted a positive drug screen for alcohol, and subsequently, his license was suspended.

If you are able to show error in the staff's action then you must so notify the Board in writing within ten (10) days of this date.

LOUISIANA STATE BOARD OF NURSING



Barbara L. Morvant, MN, RN  
Executive Director

BLM/tse

cc: Neal Manuel, Chief Nursing Officer  
Dauterive Hospital

# Louisiana State Board of Nursing

5207 Essen Lane, Suite 6

Baton Rouge, LA 70809

Telephone: (225) 763-3570 Fax: (225) 763-3580

<http://www.lsbnp.state.la.us>

December 21, 2007

Mr. Samuel Allen Senegal  
204 Devon Way  
Youngsville, LA 70592

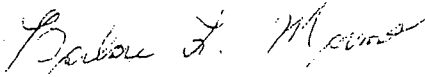
Re: Board Order

Dear Mr. Senegal:

This is official notification that the recent action taken by staff for suspension of your license was ratified by the Louisiana State Board of Nursing in a regularly scheduled meeting on December 19, 2007.

It is noted that your current license has not been returned to the Board office.

LOUISIANA STATE BOARD OF NURSING



Barbara L. Morvant, MN, RN  
Executive Director

BLM/lr

***EXHIBIT C***

LOUISIANA STATE BOARD OF NURSING  
BATON ROUGE, LOUISIANA

IN OFFICE

SEP 22 2008

Received By

IN THE MATTER OF:  
SAMUEL ALLEN SENEGAL  
204 DEVON WAY  
YOUNGSVILLE, LA 70592

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CONSENT ORDER

Registrant

TERMS AGREED TO BY LICENSEE

I, **SAMUEL ALLEN SENEGAL (Registrant)** voluntarily agree to sign and have terms of agreement for the purpose of avoiding a formal hearing with the Louisiana State Board of Nursing.

I, **SAMUEL ALLEN SENEGAL** do hereby say that I freely, knowingly and voluntarily enter into this agreement. I understand that I have a right to a hearing in this matter and I freely waive such right. I understand that I have a right to legal counsel prior to entering into this agreement.

I admit to and acknowledge that the Louisiana State Board of Nursing makes the following **FINDINGS OF FACT**:

1. On August 14, 2001, Registrant was licensed by examination to practice as a Registered Nurse in Louisiana.
2. On August 22, 2007, Registrant's license was suspended with stay and probated for two (2) years with stipulations.
3. On November 16, 2007, Registrant's license was automatically suspended due to non compliance with a board order.
4. On April 22, 2008, Registrant, signed a consent order to remain suspended, with eligibility to request reinstatement after meeting stipulations.
5. On July 3, 2008 Registrant entered Red River Treatment Center and completed treatment on July 31, 2008, with recommendations to continue to comply with all stipulations of RNP as well as attend seven meetings per week.
6. On July 25, 2008, Registrant entered into a three (3) year Recovering Nurse Program Agreement.
7. On August 14, 2008, Registrant requested reinstatement of license following adherence to stipulations required by his prior Consent Order.

I hereby acknowledge that I have complied with all of the stipulations for reinstatement. I further attest to my intent to comply with all stipulations of this Consent Order.

To facilitate submission of this Consent Order, I do not offer any defense to the **FINDINGS OF FACT**. I agree that the Board has jurisdiction of this matter pursuant to L.R.S. 37:911 et seq. I admit to the findings of fact and agree that there is sufficient evidence upon which to predicate a finding of violation of the provisions of L.R.S. 37:921. I agree that the Board may treat the allegations of fact and law as true, which finding shall have the same force and effect as if evidence and argument were presented in support of the allegations and, based thereon, the Board found the allegations to be true. I specifically waive my right to contest these findings in any subsequent proceedings before the Board. I understand that this Consent Order shall constitute a public record and is disciplinary action by the Board. This will be reported to **Healthcare Integrity and Protection Data Bank (HIPDB) as F2 Unable to Practice Safely by Reason of Alcohol or Other Substance, 1282 License Restored or Reinstated, Conditional.** **HIPDB Narrative: By consent order Registrants license is reinstated with 3 years probation and continued compliance with the Recovering Nurse Program after RN demonstrated sufficient compliance with the Recovering Nurse Program.**

LOUISIANA STATE BOARD OF NURSING  
BATON ROUGE, LOUISIANA

IN THE MATTER OF:  
SAMUEL ALLEN SENEGAL  
204 DEVON WAY  
YOUNGSVILLE, LA 70592

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CONSENT ORDER

Registrant

TERMS AGREED TO BY LICENSEE (Cont'd)

In order to avoid further administrative proceedings, I hereby consent to accept and abide by the following ORDER of the Board: Registrant's suspension is stayed and Registrant's license is reinstated with probation for a minimum of three (3) years contingent upon adherence to the following stipulations:

1. Continue to adhere to the RNP agreement signed on July 25, 2008.
2. Prior to beginning or returning to work, inform all nursing employers of these disciplinary measures and of the probationary status of license. Within 5 days, shall cause all employers to submit to the Board, signed Employment Agreement from each employer.
3. Work in a restrictive environment as a member of a treatment team rather than alone or with a few employees. Additionally, not be employed in any unsupervised setting. Must be directly supervised by an on-site registered nurse. Not be employed in agency/pool/staffing, home health services, or nursing homes, unless prior to beginning work in this area, the employer submits a written plan for direct RN supervision, and the plan is approved by Board staff.
4. Immediately (within 72 hours) inform the Board in writing of any change in address.
5. Immediately inform the Board in writing of all places of employment. If employment changes, the Board shall be immediately (within 72 hours) notified in writing.
6. If unemployed, inform the Board in writing on a quarterly basis.
7. Shall engage in the practice of professional nursing in Louisiana for a minimum of twenty four (24) hours per week for a minimum of six (6) consecutive months.
8. By the first of each month, submit a monthly probation fee of twenty-five dollars (\$25.00) to the Board, beginning October 1, 2008.
9. Within four (4) months, submit payment of \$200 to the Board as cost of this Consent Order.
10. Within 12 months of license reinstatement, submit payment of \$4,000.00 to the Board as fine; within 24 months of license reinstatement, submit payment of \$4,000.00 to the Board as fine; and within 30 months of license reinstatement, submit payment of \$4,000.00 to the Board as fine, for a grand total of \$12,000.00 fine payment, as stated in previous Consent Order.
11. Not have any misconduct, criminal violations or convictions, or violations of any health care regulations reported to the Board related to this or any other incidents.
12. Failure to comply with the above orders, receipt of an unfavorable report, or non-receipt of reports on or before the date due shall result in the immediate revocation of this registrant's license. This revocation can be imposed by action of the staff subject to the discretionary review of the Board.

  
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Initials

LOUISIANA STATE BOARD OF NURSING  
BATON ROUGE, LOUISIANA

IN THE MATTER OF:  
SAMUEL ALLEN SENEGAL  
204 DEVON WAY  
YOUNGSVILLE, LA 70592

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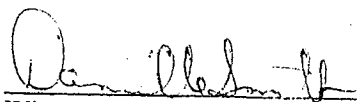
Registrant

CONSENT ORDER

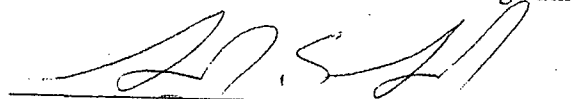
TERMS AGREED TO BY LICENSEE (Cont'd)

I, SAMUEL ALLEN SENEGAL, understand that this agreement is effective immediately upon signature of the Executive Director. It is also understood that this agreement does not preclude the Board of Nursing from requiring a formal hearing of my case. I further understand that should the Consent Order not be accepted by the Board, I agree that presentation to and consideration of the Consent Order, the documentary evidence and information by the Board shall not unfairly or illegally prejudice the Board or any of its members from participation in hearings or other proceedings pertaining to these or other matters regarding this registrant.

Dated this 22 day of September, 2008.

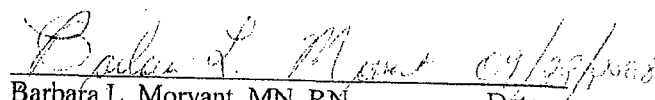


Witness

  
SAMUEL ALLEN SENEGAL

  
Witness

LOUISIANA STATE BOARD OF NURSING

  
Barbara L. Morvant, MN, RN      Date  
Executive Director